

### **REMARKS**

In the Final Office Action dated May 13, 2009, the Examiner:

(1) rejected claims 1, 10, 11, 13, 15, 16, 33, 35, 37, 42 and 44-46 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0108747, inventors Dietz et al. (hereinafter "Dietz") in view of U.S. Patent No. 4,862,911, issued to Yie (hereinafter "Yie");

(2) rejected claims 12 and 43 under 35 U.S.C. § 103(a) as being unpatentable over Dietz in view of Yie and in further view of U.S. Patent No. 4,222,725, issued to Rodgers (hereinafter "Rodgers");

(3) rejected claims 2-5 and 47 under 35 U.S.C. § 103(a) as being unpatentable over Dietz in view of Yie and in further view of U.S. Patent No. 1,852,560, issued to Giese (hereinafter "Giese");

(4) rejected claims 6 and 39 under 35 U.S.C. 103(a) as being unpatentable over Dietz in view of Yie and Giese and in further view of U.S. Patent No. 4,398,110, issued to Flinchbaugh et al. (hereinafter "Flinchbaugh");

(5) rejected claims 8 and 9 under 35 U.S.C. 103(a) as being unpatentable over Dietz in view of Yie, Giese, Flinchbaugh and in further view of U.S. Patent No. 3,261,591, issued to Campbell et al. (hereinafter "Campbell"); and

(6) rejected claims 36 and 38 under 35 U.S.C. 103(a) as being unpatentable over Dietz in view of Yie and Giese and in further in view of U.S. Patent No. 6,208,923, issued to Hommel (hereinafter "Hommel").

Applicant respectfully requests the Examiner to reconsider the aforementioned rejections in view of the attached amendments and the following remarks.

#### **I. Status of the Claims**

Claims 1-6, 8-13, 15, 16, 33, 35-39 and 42-47 are pending.

Claims 1, 15, 33, 43, 44 and 47 are currently amended.

#### **II. Claims Rejected as Obvious over Dietz in view of Yie**

The Examiner rejects claims 1, 10, 11, 13, 15, 16, 33, 35, 37, 42 and 44-46 as obvious over Dietz in view of Yie. Claims 1 and 44 are independent claims. Claims 10, 11, 13, 15, 16, 33, 35, 37 and 42 depend from claim 1. Claims 45 and 46 depend from claim 44.

Claims 1, 10, 13, 15, 16, 33, 35, 37 and 42

Claim 1, as amended, requires a cylinder with a first port in fluid communication with the hydraulically actuated valve. Dietz does not disclose pump 102 in fluid communication with flapper 61. The Dietz hydraulic system is a closed system, comprising pump 102 and hydraulic loop 103 extending between discharge bellows 108 and suction bellows 106 fully enclosed. Thus, any components disposed within it, such as pump 102 or a port in pump 102, are not in fluid communication with flapper 61.

Further, claim 1 requires hydraulic fluid pressurized within the cylinder to be delivered from the cylinder through the first port to the hydraulically actuated valve. Dietz does not disclose hydraulic fluid delivered by pump 102 to flapper 61. As previously described, there is no fluid communication between pump 102 and flapper 61.

Yie does not obviate these deficiencies. Therefore, the combination of these references does not render obvious claim 1 or its dependent claims 10, 11, 13, 15, 16, 33, 35, 37 and 42 for at least the same reasons.

Further in regards to claim 15, Dietz does not disclose a discharge pipe for the passage of hydraulic fluid to the hydraulically actuated valve. Further in regards to claim 16, Dietz does not disclose a discharge pipe brought out through an intermediate reservoir from a pump housing. Further in regards to claim 33, Dietz does not disclose the claimed pressure relief valve. Further in regard to claim 35, Dietz does not disclose a quick release coupling between the housing of pump 102 and hydraulic loop 103. The Dietz component 47 identified by the Examiner as disclosing the claimed quick release coupling is a threaded joint 47 coupled between upper and lower sections 37, 39 of production string 35. Threaded joint 47 is not between pump 102 and hydraulic loop 103, as required by claim 35. For at least these additional reasons, the combination of Dietz and Yie does not render obvious claims 15, 16, 33 and 35.

Claims 44-46

Claim 44, as amended, requires hydraulic fluid pressurized within the piston-cylinder unit to be delivered to the subsea tree valve. As explained above, Dietz does not disclose hydraulic fluid pressurized by pump 102 delivered to flapper 61. Claim 44 also requires hydraulic actuation of the subsea tree valve. In contrast, flapper 61 is mechanically actuated by flow tube 65. Yie does not obviate these deficiencies. Therefore, the combination of Dietz and Yie does not render obvious claim 44 or its dependent claims 45 and 46.

### **III. Claims Rejected as Obvious over Dietz in view of Yie and Rodgers**

The Examiner rejects claims 12 and 43 as obvious over Dietz in view of Yie and Rodgers. Claim 12 depends from claim 1, and claim 43 is an independent claim.

Like claim 1, claim 43, as amended, requires the claimed piston-cylinder deliver pressurized hydraulic fluid to the safety valve. As previously described, the Dietz pump 102 does not deliver hydraulic fluid to flapper 61. Rodgers does not obviate this deficiency. Therefore, the combination of Dietz, Yie, and Rodgers does not render obvious claims 1 and 43 or dependent claim 12 for at least the same reason.

### **IV. Claims Rejected as Obvious over Dietz in view of Yie and Giese**

The Examiner rejects claims 2-5 and 47 as obvious over Dietz in view of Yie and Giese. Claims 2-5 depend from claim 1, and claim 47 depends from claim 44. For reasons presented above, Dietz does not disclose all of the limitations of claims 1 and 44. Giese does not obviate its deficiencies. Therefore, the combination of Dietz, Yie and Giese does not render obvious claims 1 and 44 or their dependent claims 2-5 and 47.

### **V. Claims Rejected as Obvious over Dietz in view of Yie, Giese and Flinchbaugh**

The Examiner rejects claims 6 and 39 as obvious over Dietz in view of Yie, Giese and Flinchbaugh. Claims 6 and 39 depend from claim 1. For reasons presented above, Dietz does not disclose all of the limitations of claims 1. Flinchbaugh does not obviate its deficiencies. Therefore, the combination of Dietz, Yie, Giese and Flinchbaugh does not render obvious claim 1 or its dependent claims 6 and 39.

### **VI. Claims Rejected as Obvious over Dietz in view of Yie, Giese, Flinchbaugh and Campbell**

The Examiner rejects claims 8 and 9 as obvious over Dietz in view of Yie, Giese, Flinchbaugh and Campbell. Claims 8 and 9 depend from claim 1. For reasons presented above, Dietz does not disclose all of the limitations of claims 1. Campbell does not obviate its deficiencies. Therefore, the combination of Dietz, Yie, Giese, Flinchbaugh and Campbell does not render obvious claim 1 or its dependent claims 8 and 9.

### **VII. Claims Rejected as Obvious over Dietz in view of Yie, Giese and Hommel**

The Examiner rejects claims 36 and 38 as obvious over Dietz in view of Yie, Giese and Hommel. Claims 36 and 38 depend from claim 1. For reasons presented above, Dietz does not

disclose all of the limitations of claims 1. Hommel does not obviate its deficiencies. Therefore, the combination of Dietz, Yie, Giese and Hommel does not render obvious claim 1 or its dependent claims 36 and 38.

### CONCLUSION

Applicant respectfully requests reconsideration, withdrawal of the claim rejections, and that a timely Notice of Allowance be issued in this case. No new matter is introduced by way of amendment. It is believed that each ground of rejection raised in the Final Office Action dated May 13, 2009 has been fully addressed.

During the course of these remarks, Applicant may have at times referred to particular limitations of the claims that are not shown in the applied prior art. This short-hand approach to discussing the claims should not be construed to mean that the other claimed limitations are not part of the claimed invention. They are as required by law. Consequently, when interpreting the claims, each of the claims should be construed as a whole, and patentability determined in light of this required claim construction. Applicant reserves the right to submit the original claims or any cancelled rejected claims in a continuing application and prosecute those original claims fully without regard to any amendments made to those claims in the present application. Applicant does not give up any scope of the original claims due to the claims amendments or cancellations in the present application.

If the Examiner has any questions or comments regarding this communication, he is invited to contact the undersigned to expedite the resolution of this application.

If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore. If any fee is due for such a petition or should any additional fees be required with respect to this application, the Commissioner is authorized to charge such fees to Deposit Account Number 03-0335 of Cameron International Corporation.

Respectfully submitted,

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